

**PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
of the
Suffolk County Legislature**

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on June 5, 2002.

MEMBERS PRESENT:

Legislator Angie Carpenter - Chairperson
Legislator David Bishop - Vice-Chair
Legislator Lynne Nowick
Legislator Joseph Caracappa
Legislator William Lindsay

MEMBERS NOT PRESENT:

Legislator Maxine Postal - Excused

ALSO IN ATTENDANCE:

Legislator Ginny Fields - District #9
Legislator Jon Cooper - District #18
Paul Sabatino - Counsel to the Legislature
Doug Sutherland - Aide to Legislator Carpenter
Linda Burkhardt - Aide to Presiding Officer Tonna
Ed Hogan - Aide to Legislator D'Andre
Rosalind Gazes - Budget Analyst/Budget Review Office
Joe Michaels - Deputy County Executive for Public Safety
Bill Faulke - County Executive's Office/Intergovernmental Relations
Paul DeBasquale - County Exec's Office/Intergovernmental Relations
Kris Chayes - Suffolk County Civil Service Department
Kerry Kneitel - Chief Deputy/Suffolk County Sheriff's Department
Alan Otto - Chief of Staff/Suffolk County Sheriff's Department
John Gallagher - Commissioner/Suffolk County Police Department
James Abbott - Chief Deputy Commissioner/Suffolk County Police Dept
James Maggio - Deputy Commissioner/Suffolk County Police Department
James Rooney - Suffolk County Police Department
Bill Rohrer - Suffolk County Police Department/Public Information
Dave Fischler - Commissioner/Fire, Rescue & Emergency Services
Thomas Spota - Suffolk County District Attorney
Robert Kearon - District Attorney's Office
Hector LaLalle - District Attorney's Office/Head of Gang Crime Unit
Tom Muratore - Vice-President/Police Benevolent Association
Vincent DeMarco - President/Deputy Sheriff's Benevolent Association
Mike Sharkey - Secretary/Deputy Sheriff's Benevolent Association
Ruth Cusack - Suffolk County League of Women Voters
Elie Seidman-Smith - Director/Community Service Program/ARC
J. Jioni Palmer - Newsday
All Other Interested Parties

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MINUTES TAKEN BY:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:42 A.M.*)

CHAIRPERSON CARPENTER:

Good morning. We will begin the Public Safety & Public Information meeting with a Pledge of Allegiance led by Legislator Caracappa.

Salutation

Thank you. I will just begin by putting on the record that Legislator Postal has an excused absence this morning, she was not able to be here. We'll begin by -- I have no cards, but I would ask the District Attorney if he would like to come up forward and give us his presentation.

DISTRICT ATTORNEY SPOTA:

Good morning.

CHAIRPERSON CARPENTER:

Good morning. Welcome.

DISTRICT ATTORNEY SPOTA:

I am here to discuss with you and to request some additional positions in the District Attorney's Office. And I'd like to first start off by telling you what we have been doing and the reasons why I think that the request is a legitimate request and a necessary request.

When I assumed office in January of this year, I made a pledge to the public that I would attempt in any way I could to establish a collaborative effort to marshal all available law enforcement resources and intelligence in order to conduct joint investigations into areas that are affecting the citizens and residents of Suffolk County, especially in the area of fraud, economic fraud. I believe that because of the -- I guess the best way to put it is the economic -- the economy, it seems to me that there is a tremendous increase in the amount of fraud of every conceivable type going on in Suffolk County and everywhere else.

Right now we are conducting a host of investigations with the United States Attorney's Office, the FBI, the DEA, the ATF, the IRS, and even the Secret Service in a counterfeiting operation. We have also conducted investigations and are presently conducting investigations with the State Police. A number of these investigations incorporate electronic surveillance and will likely conclude in the late fall of this year, and I think that they -- some of them are going to have a very significant impact on organized crime. But to conduct such investigations is very demanding on the resources of the District Attorney's Office, not only fiscally but manpower wise.

I need an Assistant District Attorney to supervise every single wire tap that we are conducting and we are conducting many of them, and we have concluded some of them. We are conducting some investigations jointly with Federal Law enforcement agencies. I now have two Assistant District Attorneys who are in the process of being

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cross-designated as Federal Prosecutors to conduct investigations -- rather, to prosecute cases in the Federal Courts where I have concluded that because of evidentiary matters, we are best able to effectively prosecute those crimes.

We are working with the Alcohol Treasury Firearms in what we call Operation Triggerlock. I have assigned an Assistant District Attorney

to work in conjunction with an Assistant United States Attorney to pros -- to determine and prosecute cases that we feel are better prosecuted on the Federal level rather than the State level. We are actually transferring some of the cases where we -- when I say we, the Police Department -- have made arrests on weapons charges. And we believe because the Federal statutes provide a better opportunity to effectively prosecute these cases, we believe that those cases should be prosecuted in a Federal Court. As a consequence, I have an Assistant District Attorney who is working in conjunction with an Assistant United States Attorney to designate certain cases, weapons cases especially, that we believe should go over to the Federal Court, but I need an Assistant District Attorney to do that.

Our Special Investigations Bureau which was formally the Racquets Bureau had four Assistant -- had four ADA's in December of last year, we're now up to seven or eight, I think the number is eight. And it's that Bureau that we are conducting some rather sophisticated electronic surveillance and investigations with multiple agencies.

We have in April of this year relaunched an attack on gangs. We are working with the FBI, ATF, DEA, the Sheriff, State Police, Probation, Parole, and of course the Suffolk County Police Department, and I only put them last because Commissioner Gallagher is behind me. But in reality, he has dedicated I think 140 or 150 police officers to be on the street in an effort to attack this gang problem that we have in Suffolk County and the results have been significant, not only in terms of the number of arrests but most importantly the information that we have gathered. And I will say this to you, without obviously going into all the details, that we are making tremendous inroads into certain gangs in this County.

We are working with the FBI in -- to attempt to target one particular gang under the Federal RICO Statutes. And again, when I started in January of this year, we had one Assistant DA assigned to gangs, we now have two Felony Prosecutors. The head of the unit is here if you want to ask him any questions, Hector LaSalle, and I have five lower court Assistant DA's assigned to the Gang Unit and they are working full-time on this.

We have already had five significant felony prosecutions of gang members, all of them were successfully concluded and they are all doing very significant State time. We have formed an Economic Crimes Bureau which was formally called the White Collar Bureau, they had five Assistant District Attorneys, we now have 15 Assistant District Attorneys. And I say that because we are seeing, as I said before, a surge in business fraud of every conceivable crime, automobile insurance, identity theft, credit card fraud, mortgage loan fraud, health care fraud. The white collar crime industry is spinning out of

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control. We are losing -- the people in this County alone are losing millions of dollars of this type of a fraud.

We have taken -- we have established an Automobile Insurance Fraud Unit. I have three full-time Assistant District Attorneys, it was never done in this County before. We're working right over in our office right now, we have people -- I have people from my office, Investigators and three full-time Assistant District Attorneys. We have Investigators from the New York State Insurance Fraud Unit, Investigators from the National Insurance Crime Bureau and the

carrier's themselves, the All-States and the State Farms have contributed their fraud investigators and they're working right now in the office across the street.

We have arrested to date over a hundred and -- arrested and/or indicted over 160 individuals or enterprises in insurance fraud. We have prosecuted them on the Organized Crime Control Act, the New York State Statute which permits us to try cases under the Enterprise Corruption Statutes and Money Laundering Statutes. We have returned almost one and a half million dollars to the automobile insurance industry to date. And I expect just from the numbers of case that we have arrested so far, the number of individuals and organizations, that we will probably at least another \$2 million by the end of the year. But again, I have three full-time Assistant DA's that I have assigned to that.

We have a Labor Unit, it's a specialized unit that's dealing with violations of the prevailing wage law. I have two full-time Assistant District Attorneys that I have assigned to that, we never had that before. We're working -- the working men and women who have been victimized by unscrupulous contractors, we're prosecuting those types of cases. When one case just within the last two months, we returned on just one of those indictments alone convictions against the contractors and a return of somewhere about 180 to \$200,000 to the workers who were defrauded from their wages and benefits that they should have received.

We have established an East End Drug Task Force because of the significant problems with seeing drugs on the east end, I have two ADA's assigned to that. We have an East End Bureau I have increased to seven Assistant District Attorneys recognizing the problems and the growth on the east end and the concomitant of problems that will arise and require law enforcement, more law enforcement in that area.

I have a special Grand Jury now going dealing with an investigation pertaining to the Roman Catholic Diocese of Rockville Center where I have two Bureau Chiefs that are working full-time on that, the Grand Jury is meeting three days a week on that case, from 9 AM to five, six, seven o'clock in the evening. And of course, we have now increased the activity in our Public Integrity Unit, we have presently at least three significant investigations going on.

And all of that is taxing the resources of the District Attorney's Office and that's why I'm here today. I had submitted a letter dated May 8th, 2002, where I have outlined most of which I have just set forth on the record. Essentially, what I'm asking for is to amend the

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budget, the 2002 budget, to authorize the addition of six new prosecutor positions; a Deputy Bureau Chief, two Principal Assistant District Attorneys for the Economic Crimes Bureau, a Senior Assistant for the Narcotics Bureau, a Senior Assistant for the Special Investigations Bureau and one more assistant for the East End Bureau. And I urge that you consider this request from the District Attorney's Office and to pass this resolution. Thank you very much.

CHAIRPERSON CARPENTER:

Thank you very much for your presentation, District Attorney Spota. If I understand correctly, you're looking for the creation of these six new lines, but you will be able to -- will you be able to fill

these positions before the end of the year is what I'm trying to get at.

DISTRICT ATTORNEY SPOTA:
Will I be able to fill them?

CHAIRPERSON CARPENTER:
Yeah.

DISTRICT ATTORNEY SPOTA:
I'll be able to fill them the day that you give me the -- no, no.

CHAIRPERSON CARPENTER:
Have you had --

DISTRICT ATTORNEY SPOTA:
When I say that I mean -- I don't mean to be facetious. But yes, most assuredly.

CHAIRPERSON CARPENTER:
Have you had conversations with the County Executive's Office as far as them releasing the SCIN forms on these positions?

MR. KEARON:
The County -- if I may, I'm sorry. The County Executive's Office has been most cooperative every time we have forwarded the SCIN form over. Of course, I didn't want to be a little bit too premature by discussing with them this particular -- these six positions until you ladies and gentlemen on the Legislature acted upon it. But based upon our past relationship with the County Executive, I don't expect any problem because we're confident we have the monies saved in our budget, in our salary budget, and of course they do monitor that as does your Budget Review Office. So they're well aware of our financial situation in terms of the salary account and I don't think they'll be --

CHAIRPERSON CARPENTER:
And that was also what I wanted to make clear, that you do have the resources within your budget to hire the positions, it's just a matter of us creating the lines for it. We're not having to find an offset for these dollars, that it's already within your existing budget.

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MR. KEARON:
When Mr. Spota took office, he of course had envisioned these different initiatives that he just discussed.

CHAIRPERSON CARPENTER:
Uh-huh.

MR. KEARON:
So we knew from the beginning that we would have to create some savings in order to expand the staff, and there are several positions that we have kept vacant intentionally in order to accomplish what we're trying to do today.

CHAIRPERSON CARPENTER:
Okay. Now, you just said you've kept positions vacant. So my question to you is going to be have you filled every line that you have in your budget and now we're creating six additional lines?

MR. KEARON:

Well, when I say vacancies, I'm talking about every -- both lawyers and non-lawyers. We have several non-lawyer positions that we've kept vacant as well in order to perpetuate the savings.

CHAIRPERSON CARPENTER:

Okay. All right, are there any questions or comments by members of the committee? Legislator Nowick.

LEG. NOWICK:

Thank you for your presentation, it was excellent and very interesting. I'm just curious, did you say -- how much did you return to the insurance companies?

DISTRICT ATTORNEY SPOTA:

To date I think it's 1.3 or \$1.4 million.

LEG. NOWICK:

That's wonderful.

DISTRICT ATTORNEY SPOTA:

That's to date. And I can tell from the remaining indictments that we have that we should come in the area of another million and a half to \$2 million, that's just as of right now.

LEG. NOWICK:

When can I expect to see that on my insurance bill?

DISTRICT ATTORNEY SPOTA:

We would all love to see that, believe me.

CHAIRPERSON CARPENTER:

Any other questions or comments? I thank you very much for coming down, we really appreciate it.

DISTRICT ATTORNEY SPOTA:

Thank you.

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CHAIRPERSON CARPENTER:

I would ask the Police Department if they would come forward, please. Good morning.

COMMISSIONER GALLAGHER:

Good morning, Madam Chairperson. We have no prepared presentation but we will be here if you need to -- is there anything you wanted us to discuss?

CHAIRPERSON CARPENTER:

Well, there are a number of new initiatives, resolutions that are on the agenda that I would ask you to comment on.

COMMISSIONER GALLAGHER:

Sure, I would be happy to. Should I start with 1251?

CHAIRPERSON CARPENTER:

Sure.

COMMISSIONER GALLAGHER:

This is the Forfeiture Law to cover Driving While Impaired. One point, I think there was some confusion over the County Attorney's acquiescence to the points in this law. Remember, I had raised the issue that impairment -- Driving While Impaired is a violation and I did not know under laws as a non-attorney whether or not you could seize property for the conviction for a violation. And I understand from the County Attorney's Office, they have not -- as of the last time I spoke to them which was really less than a week ago, they have not acceded to the principles of this bill, that's at least the word I got from the County Attorney, was that they still didn't have -- they did not have an opinion formed but we're still of the informal opinion that there was a problem legally with the bill.

CHAIRPERSON CARPENTER:

It probably would be helpful if you could get the County Attorney's Office to render his opinion in writing to the committee so that we have that information in front of us when we're deliberating the bill.

COMMISSIONER GALLAGHER:

You know, I was dealing just from the interest of the department standpoint because of some logistical problems we're going to have if we ever --

CHAIRPERSON CARPENTER:

Right, I understand that.

COMMISSIONER GALLAGHER:

If this bill goes through, we'll have a lot of logistical problems with it. But I said, you know, before we even start that, is there a principle of law involved here and I thought that the communication was going to go from the County Attorney's Office to the sponsor, but I cannot tell you whether or not that has happened.

CHAIRPERSON CARPENTER:

Okay. Well, I think we'll -- given the logistical problems, apart from

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whatever legal issues there might be, we'll probably continue to table this. All right. Do you want to move on then?

COMMISSIONER GALLAGHER:

Let me go to 1564. The Sexual Abuse Reporting Policy, by the way, is not -- you know, we have no position from the department standpoint as far as, you know, we're not opposed to it, we're neutral toward it. Leadership Education Program for volunteer fire fighters and ambulance corps members, I have just a very practical concern over this. The release of people for up to seven days of education and training, many of the people that work for us and keep positions such as dispatchers and emergency complaint operators -- I say many, I don't have a number, I can't give you a number -- but I'm told that we have enough to make it statistically significant of people involved in volunteer ambulance and fire fighting work. To me, I'm just voicing as one department head the hardship that would be created by having to release these people up to seven days a year for this kind of training.

CHAIRPERSON CARPENTER:

I think there might be a little confusion here. I don't think that's what 1654 is about, but a bill that is further on the agenda, further down on the agenda, which would be 1649 perhaps.

COMMISSIONER GALLAGHER:

Oh, I'm sorry, Release Day Policy for volunteer firemen and ambulance.
Yeah, I'm sorry.

CHAIRPERSON CARPENTER:

That's all right.

COMMISSIONER GALLAGHER:

16 -- 1564 then, I'm not sure what the bill establishes so I
would defer.

CHAIRPERSON CARPENTER:

Yeah, I think probably Dave can speak to that when he comes up. I
guess the next one that would be of interest to you would be 1638

COMMISSIONER GALLAGHER:

Anti-Gang Youth Bureau; again, the department would not be opposed to
this. I'm not sure -- Legislator Fields, I'm not sure from the
reading of the bill just where the personnel assigned to the Bureau
come from; in other words, just who they are, the people that are
going to be assigned to the bureau.

DEPUTY COMMISSIONER ABBOTT:

And would they be strictly volunteers?

COMMISSIONER GALLAGHER:

And would they be -- would the trainers be volunteers?

LEG. FIELDS:

Yes. I brought a whole folder filled with gang information and didn't
bring the copy of the bill, so I'm trying to get it. Maybe Counsel
can answer that question.

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CHAIRPERSON CARPENTER:

Well, when we get to that on the agenda, we have a copy and we can
discuss that.

COMMISSIONER GALLAGHER:

These are just questions, they're not --

CHAIRPERSON CARPENTER:

Since the Police Commissioner really has no --

COMMISSIONER GALLAGHER:

It's just more of a questioning.

CHAIRPERSON CARPENTER:

Right.

COMMISSIONER GALLAGHER:

1642 we support the appropriating funds for the Rigid Hull Police
Rescue Vessel to be purchased, and thank you for your initiative and
leadership in that.

1646, we oppose Legislator Towle's bill establishing Boat Emergency
Response Policy, because I think it really is not a policy, it's not a
bill establishing policy, it's a bill that interferes with the
operating, day-to-day operations of the department. I'm opposing it

on the general principal that I don't think it's really a Legislative -- it's really the purview of the Legislature to legislate day-to-day operations which is the effect of this bill. Aside from the fact that it's somewhat of a moot issue, the point has already been taken, the changes have been made. We have a whole schedule of Marine Bureau assignments that we have -- you know, that are now in effect so that there will always be sufficient personnel at the Marine Bureau Headquarters to staff a boat in an emergency condition.

But more importantly, I want to be on the record that this is the kind of bill that I have to say I would have to oppose because it crosses over from -- just calling something policy doesn't make it policy. This is not policy, this is operational interference really with the department's day-to-day operations.

CHAIRPERSON CARPENTER:

If I could, while we're on the subject of the boats and all. I would just like to note for the record that the Police Department, in cooperation with the Coast Guard and FINS, had a joint operation I guess two weekends ago kicking off National Safe Boating Week. And at the Fire Island Law and Safety Council, there was much discussion about these kinds of proactive things to educate the boating public as to making appropriate choices when they go out there, to basically pay attention to, you know, weather forecasts that urge people not to go out on the water when the weather is predicted to be poor. Okay, continue.

COMMISSIONER GALLAGHER:

1648, Establish Common Sense Police Emergency Response Act. Really in the same vein I objected to the previous bill, I reject to this bill as operational rather than policy. It's really under the realm of

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operations rather than policy. Again, we have had the meeting with ourselves, the Coast Guard and FRES, that meeting has already taken place. We have clarified the procedural operational procedures that we will follow in notifications. The bill also -- I think Commissioner Fischler might join me in a comment that the bill, if it is where I think it's headed, it also gets into -- the issue that's not been resolved by the bill, that actually is clouded by the bill is we can notify FRES who in turn can notify a fire district, but we can't mandate that a fire district provide or actually turnout on an emergency response to a notification. You know, I can't mandate them to come out and do a water rescue if that particular district, for whatever reason, you know, has other criteria that have to be met before a water rescue is effective. But we will and we have already -- you know, we have agreed to and we will make the notifications to FRES each time we are called out on a water rescue. So I object to the bill as interfering from the operational standpoint.

1649 is the one I was addressing earlier, I'm sorry for the mix up about Release Day Policy. That might -- it's just a logistics question for me, it's just a question of problems, you know, trying to figure out how to release people for up to seven days from positions that are chronically short staffed. I think other than that, that's the -- those are the only things I would address.

You know, for what it's worth, I support the District Attorney's request for additional ADA's because we are -- because of joint

operations that we have undertaken with him, I know we're putting a burden on his office in terms of, you know, the volume of work that's going in there, so I would defer to his ability to determine that he needs additional people.

CHAIRPERSON CARPENTER:

Thank you. I'm sure he appreciates that endorsement. And I would just like to, again, commend the both of you for that spirit of cooperation, it is really wonderful to see both the District Attorney's Office and the Police Department working jointly on initiatives, especially the latest with the anti-gang, very proactive policy that we've established and you guys are implementing. So I thank you for that. Are there any questions or comments for the Commissioner?

One thing I would like to ask you to reiterate and that was the discussion that we had at the last Legislative meeting about the generator for Police Headquarters. I just want to make sure that there are no unanswered questions so that when we get to the full Legislature next Tuesday we can be sure that that bill is passed.

COMMISSIONER GALLAGHER:

We've prepared a full report, I don't know if you got a copy of it yet. But I mean in terms of everything that we can possibly tell you, more than I ever wanted to know about the generator I know now.

CHAIRPERSON CARPENTER:

All right. I will take a copy of that and make sure that everyone here has a copy of it and we'll distribute it next Tuesday. But if there's

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anything you would like to put on the record about the generator other than we need to move forward with it --

DEPUTY COMMISSIONER ABBOTT:

It's critical.

COMMISSIONER GALLAGHER:

I believe, just for the record also, at the request of this committee, and I thank you for pointing it out to us, we did meet with the Sheriff's Department on a joint Quartermaster's proposal for a Capital Project and we are moving forward with that joint proposal for both departments.

CHAIRPERSON CARPENTER:

And again, as I said earlier, the cooperation between your office and the District Attorney's Office and this latest initiative with the Sheriff I think really can only bode us well in the County to -- the more that we can work together on like issues and concerns and goals, the better off all the residents of this County will be. So I thank you very much.

COMMISSIONER GALLAGHER:

Thank you.

CHAIRPERSON CARPENTER:

Okay. Next we will have Commissioner Fischler up, I know he wanted to comment on one or two resolutions. And while he's coming forward, I just want to congratulate Dave and his department and also the Police Department and everyone else who was involved in the Emergency

Management Conference that was held in New York City. It was a huge success, I know over a thousand people attended and it really again demonstrates how proactive our County has been in an issue that really has just, you know, gotten on the radar scope for a lot of municipalities. And certainly we were way ahead of the curve and that certainly is in no small measure to your efforts, so we thank you for that.

LEG. FIELDS:

Excuse me, Legislator Carpenter, may I interrupt?

CHAIRPERSON CARPENTER:

Sure.

LEG. FIELDS:

I think that the District Attorney didn't realize that he had an opportunity to speak about something else while he was up here and he has to leave. I wondered if he might have another opportunity to address you?

COMMISSIONER FISCHLER:

I'm willing to defer.

CHAIRPERSON CARPENTER:

Okay, thank you very much, Dave. Certainly, come forward.

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LEG. FIELDS:

Thank you. Thank you, I appreciate that.

DISTRICT ATTORNEY SPOTA:

I'm sorry, I have to be in Riverhead. And I did want to make -- speak to -- what is this resolution number? It's Legislator Fields' resolution on the --

LEG. CARACAPPA:

1638.

DISTRICT ATTORNEY SPOTA:

1638. I just wanted to mention that we fully do support 1638 with the understanding that Subdivision Six I think is, "A parent of a victim of gang violence."

CHAIRPERSON CARPENTER:

Could you repeat that?

DISTRICT ATTORNEY SPOTA:

My reading on Subdivision Six says, 'A parent of a former gang member who has been affected by gang activities.'

CHAIRPERSON CARPENTER:

So it should be, "A victim of."

LEG. FIELDS:

Right.

DISTRICT ATTORNEY SPOTA:

I believe it's either a victim or a parent of a victim of gang violence.

LEG. CARACAPPA:

Changing the former to victim.

CHAIRPERSON CARPENTER:

Under the first RESOLVED clause, number six. Okay, thank you very much.

DISTRICT ATTORNEY SPOTA:

I just wanted to indicate that we fully support this particular resolution. We are dealing, of course, the District Attorney's Office, we deal with the arrest and prosecution, but there is no question in my mind that the counterpart to that, the preventative stage and that's what this would fall under, it's something that would be just terrific in my view. And hopefully, if this is successful or any type of preventative measure is successful, that will of course reduce our burden.

CHAIRPERSON CARPENTER:

I just have some questions because I know that the County Executive has a Juvenile Justice Crime Bureau or commission that has met over the past couple of years. And one of the things that they have addressed is this very issue, and on that initiative there are some of

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the very people that are delineated in this. So I would just want to make sure that we're not duplicating something that we already have.

DISTRICT ATTORNEY SPOTA:

If that's so, I will leave that up to you, but I'm in favor of it.

CHAIRPERSON CARPENTER:

Because I know that Vinny Iaria from Probation I believe chairs it and there are people from these various segments that are represented; the only one would be that number six person, I'm not sure about that one. But I do know that there's been an awful lot of work in that area, they have issued a report and it probably would be helpful for you to have a copy of that since you're working on these anti-gang initiatives.

DISTRICT ATTORNEY SPOTA:

Sure. Okay, thank you.

CHAIRPERSON CARPENTER:

Thank you very much.

DISTRICT ATTORNEY SPOTA:

Thank you, Dave. Sorry.

COMMISSIONER FISCHLER:

No problem. I would like to thank you for your kind comments. The Long Island/New York City Emergency Management Conference was a great success. As you know, every year it's been out here in Nassau or Suffolk County and this is the first time we had it in the city. It taught a lot for all of us, we learned a lot. And I think as you mentioned, we're ahead of the curve and that's only because in Suffolk County in dealing with issues related to response of these type of events such as the World Trade Center, in preparation, we have addressed as a team approach. It's brought everyone together, there's no one person who's the guru on this but it's everyone from this body here, the Legislature, the County Exec, the Commissioners throughout

the Police Department, Sheriff's, the Health Department. We're addressing this as a team and that's what has made it so successful. So I want to make sure that all the others are fairly recognized, too, because without all of us working together, you know, we would not be as successful as we have been.

In terms of the resolutions that are on, in IR 1654 I had spoke to the sponsor, Maxine Postal, and she indicated that it was going to be tabled today.

CHAIRPERSON CARPENTER:
Oh, okay.

COMMISSIONER FISCHLER:
But I would ask that it be tabled, there are some issues that exist. We do most of these programs already, so -- the only thing we don't do, we don't give them a patch but I don't think that's a big deal. But some of the issues related to the insurance I think needs to be further reviewed and I ask that that be tabled until I have an opportunity when she comes back to speak to her further.

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In terms of the next one that would be pertinent to us is 16,48 and I concur with Commissioner Gallagher, I oppose this resolution. I believe that it's an interference. I understand the concept in that it is -- it allows us, you know, some notification of the concern about the sponsor, but that's something that we do operationally. We have issues we deal with between the different agencies.

In addition, fire districts are political subdivisions of the State of New York. I question whether we can legislate for another political subdivision on how they are going to operate. So I raise that as an issue with this legislation, that we cannot do that, tell them that they have to do certain things because they're a separate and distinct body, elected officials such as yourselves who have the responsibility to determine what their response policies will be.

The last one is 1649 and that's the Release Day Policy. I'm in quite a quandary here. It's a great idea because we know the work that the volunteers do every day for the fire and EMS services and it does involve a great amount of training. I also look at what Commissioner Gallagher indicated, most of my department, 95%, are volunteers themselves; it will have a financial impact on us. I also looked at we are now telling corporations, businesses that they have to release people; are we now putting the volunteer in some change in his terms of employment which may be harmful to him? He may not be considered for a promotion, advancement or any of those type issues there. But I think it's -- we have to recognize that the volunteers, their time is precious and the ability to give them the time to train to supply the services that we need is important. I don't know which way, you know, to look at it but I know that it will have a financial impact on my department, it will have a -- you know, and I believe that I just don't want to put a volunteer in a position for his own employment, even if it's in the private sector, that he would be adversely affected because he's getting additional time off that the employer will need to spend additional --

(*Legislator Bishop entered the meeting at 10:21 A.M.*)

CHAIRPERSON CARPENTER:

Perhaps this is something that you can take up in discussion at the FRES Commission. It would be interesting to have the input --

COMMISSIONER FISCHLER:
Right.

CHAIRPERSON CARPENTER:
-- from all those representatives from the various departments.

COMMISSIONER FISCHLER:
Yeah. So maybe we can table it subject until --

CHAIRPERSON CARPENTER:
Yeah, but I would ask that you do that at the next meeting, if you could.

COMMISSIONER FISCHLER:
It will be done, definitely.

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CHAIRPERSON CARPENTER:
Okay, thank you.

COMMISSIONER FISCHLER:
And that's it.

CHAIRPERSON CARPENTER:
All right. Well, thank you very much. Any questions or comments for the Commissioner? Again, thank you very much, and congratulations on that conference.

COMMISSIONER FISCHLER:
Thank you.

CHAIRPERSON CARPENTER:
I think we will move to the agenda. I had requested the head of Probation to come to discuss the policy on the utilization of vehicles since we had authorized new vehicles for Probation, and he asked many if he could please come to the next meeting, he had a conflict this morning. So he will be at the next meeting.

TABLED RESOLUTIONS

1251-02 (P) - Adopting Local Law No. 2002, to expand the scope of County Forfeiture Law to cover Driving While Impaired (Towle). I'll make a motion to table, second by Legislator Lindsay. All in favor? Opposed?

LEG. CARACAPPA:
Opposed.

CHAIRPERSON CARPENTER:
The resolution is tabled (Vote: 4-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Postal).

1508-02 (P) - Establishing Child Sexual Abuse Reporting Policy for Suffolk County (Cooper). I know the sponsor of the resolution is here and there has been a corrected copy filed. I just got a copy of the final corrected version.

LEG. COOPER:
Legislator Carpenter?

CHAIRPERSON CARPENTER:
Legislator Cooper, go ahead.

LEG. COOPER:
I would like to point out that the reason that we tabled the bill the last time was that I wanted to take the opportunity to work with a diverse group of professionals ranging from Laura Ahearn of Parents for Megan's Law to Dave Nelson from Catholic Charities, Mitch Pally from the Long Island Association, Tom Williams, I met last week with the Suffolk County Advisory Committee on Child Protection, about a dozen people from that organization; I got some great input from all of them. We did modify the bill, I think it's a much better bill now

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and it has universal support from all the professionals that I was working with. So I would hope to be able to move the bill today.

CHAIRPERSON CARPENTER:
Could you please tell me --

LEG. COOPER:
I could explain some of the changes, if you like.

CHAIRPERSON CARPENTER:
If you would.

LEG. COOPER:
On page three, Section D, we changed the reporting requirement from -- the requirement that an administrator or a manager of the organization or the business, instead of reporting it to the police, we changed that to the New York State Child Protective Services Child Abuse Registry. Again, this was the universal recommendation from the professionals. There was concern that particularly at the local level of the police, the village and the town, they wouldn't know how to properly handle a child abuse allegation. Whereas if it's reported to your State CPS, they are professionals and they in any case would refer it to the police if they came to the determination that the allegation was a valid allegation.

CHAIRPERSON CARPENTER:
So in essence, would that make them mandated reporters?

LEG. COOPER:
In a sense, yes. It wouldn't all the requirements of mandated reporters. Mandated reporters have to go through -- or many of the mandated reporters have to go through a training course. And although there will be training involved in this, it's not at the same level as mandated reporters. But even mandated reporters at the State level are not treated equally, some of them require more training than others. So -- but in a sense, this would make them mandatory reporters.

We also changed the reporting period. In the past we had three business days, we changed it to 48 hours; again, that was at the suggestion of the committee.

If you look at the RESOLVED clause, we -- initially we had required

all employees of any of the organizations or businesses or agencies to attend a child sexual abuse prevention education workshop, that has been changed to all supervisory, administrative and management employees because those are the ones that are mandated to report allegations of child sexual abuse.

CHAIRPERSON CARPENTER:

And can I ask where these workshops would be held?

LEG. COOPER:

It's undetermined the Legislature would approve the contract agencies that would give the work shops, they could be -- they could take place at the place of business. For example, Parents of Megan's Law does

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conduct such work shops, they're not the only such organization but they do -- they can come to the place of business or the agency and conduct the workshop there or they could have it in a central location and draw upon employees from numerous agencies.

CHAIRPERSON CARPENTER:

So how long of a training session is this? Because now you're telling the business that they have to either send they're employees to this training or have the training come there, pay for the training and how long is the training?

LEG. COOPER:

Right, let's take Parents for Megan's Law. Laura Ahearn said that the approximate cost per training 50 employees would be about \$120.

CHAIRPERSON CARPENTER:

Yeah, that's not the cost. I mean, that's the cost, but the real cost is the time.

LEG. COOPER:

I believe --

CHAIRPERSON CARPENTER:

If you've got a hundred employees --

LEG. COOPER:

I think it was an hour and fifteen minutes.

CHAIRPERSON CARPENTER:

Okay.

LEG. COOPER:

An hour and fifteen minutes to an hour and a half.

CHAIRPERSON CARPENTER:

Okay. And would this be --

LEG. COOPER:

And again, we worked with Long Island Association and they're comfortable with this.

CHAIRPERSON CARPENTER:

Would this have to be done repeatedly or once they come in and they do it that would satisfy the requirements, or would they have to have this on an annual basis?

LEG. COOPER:

If they hired a new supervisor or a new manager, then that supervisor or manager would have to undergo the training. But this will -- there will most likely be a series of these workshops on an ongoing basis.

CHAIRPERSON CARPENTER:

Okay.

LEG. COOPER:

So again, initially, let's say if it was my company, I would probably

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have the trainer come to my facility and train 20 or 30 of my supervisors or administrators. But subsequent to that, there's only one new supervisor, I would probably send her to a workshop.

CHAIRPERSON CARPENTER:

This is preemptive or proactive, you would not -- the training has to be done if you have funding.

LEG. COOPER:

No.

CHAIRPERSON CARPENTER:

Only if there's a violation?

LEG. COOPER:

Anyone who -- I'm not sure exactly where it's covered here, but any organization that has a contract with Suffolk County will have to advise their employees of the requirements of the law. We're going to be preparing a sheet that will be handed out, and we already have a draft from the Suffolk County Advisory Committee on Child Protection, that will outline in layman's terms what qualifies as child abuse, and there's a feeling that that would be sufficient initially. If it's not sufficient and there's a violation, then the consensus was that the administrators and the management should go for more intensive training.

CHAIRPERSON CARPENTER:

Okay. Do any other committee members have questions?

LEG. LINDSAY:

You have a question, Joe?

CHAIRPERSON CARPENTER:

Legislator Caracappa.

LEG. CARACAPPA:

I'm just curious why --

LEG. COOPER:

I'm sorry. And one other change that we made was that we exempted information from confession in the church.

CHAIRPERSON CARPENTER:

Okay.

LEG. CARACAPPA:

Just to the sponsor, why was the mandatory education what was

originally for -- which was a proactive way of approaching it now a violation?

LEG. COOPER:

We haven't given up on that, but the cost for mandatory education across the board could be substantial. And the consensus was that we should get this bill passed for universal reporting and I have already worked with Legislative Counsel to draft a separate resolution that would be just on the education component, but that's an entirely

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separate issue. That resolution on its on is already about six or eight or ten pages and it's a very complicated issue. I'd say the last meeting that we had with the advisory committee, probably three-fourths of the meeting was actually on that second bill and there was not universal consensus as to how that should be handled. This there was universal support so we thought we'd move this first and then handle the education component separately.

LEG. CARACAPPA:

Okay.

CHAIRPERSON CARPENTER:

Thank you. Any other questions? Okay. Is there a motion?

LEG. LINDSAY:

I will make a motion.

LEG. BISHOP:

On this?

CHAIRPERSON CARPENTER:

Yes.

LEG. BISHOP:

Motion to approve.

CHAIRPERSON CARPENTER:

Motion by Legislator Bishop, second by Legislator Nowick. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

LEG. COOPER:

Thank you.

INTRODUCTORY RESOLUTIONS

CHAIRPERSON CARPENTER:

1564-02 (P) - Establishing Leadership Education Program for Volunteer Firefighters and Ambulance Corps (Postal). I think Commissioner Fischler said that Legislator Postal had said she was going to table this, so I will make a motion to table, second by Legislator Bishop. All those in favor? Opposed? The resolution is tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1584-02 (P) - Amending the 2002 Capital Program and Budget and appropriating funds for the purchase of mobile data computers for the Sheriff's Domestic Violence Unit (3229.511) (Carpenter). Motion.

LEG. BISHOP:

What was the offset?

CHAIRPERSON CARPENTER:

Let me get it out, the offset. Budget Review, if you know it offhand before I pull it out.

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MR. SABATINO:

The offset is coming from that \$5 million Infrastructure Account.

CHAIRPERSON CARPENTER:

Okay, thank you.

LEG. BISHOP:

May I ask --

CHAIRPERSON CARPENTER:

Legislator Bishop.

LEG. BISHOP:

Now that we're all gaining an education about authorized, unappropriated capital expenditures. Is there a commitment that they will actually move forward with the program before the end of the year?

CHAIRPERSON CARPENTER:

Chief Otto is here from the department. I do believe that they have gotten everything in place and are really just waiting for the authorization. But Chief, if you could speak to that.

CHIEF OTTO:

Good morning. Okay. As soon as it's -- if this passes, okay, we're able to put in the requisitions to get the equipment. We have already made contacts with the vendor who is contracted, who supplies these for the Suffolk County Police Department.

LEG. BISHOP:

Very good.

LEG. LINDSAY:

Second.

CHAIRPERSON CARPENTER:

Thank you. Second by Legislator Lindsay. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

IR 1590-02 - Amending the 2002 Operating Budget and transferring positions from the Department of public Works to the Police Department (Postal).

LEG. CARACAPPA:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Caracappa.

LEG. BISHOP:

Did we have a discussion on this before I was here?

CHAIRPERSON CARPENTER:

I will make a second for the purpose of discussion. The sponsor is not

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here so I'm not quite sure what the motivation was on this. Perhaps, Counsel, you could speak to this.

LEG. CARACAPPA:

We did this in Omnibus.

CHAIRPERSON CARPENTER:

Oh, I see what this is.

LEG. BISHOP:

Oh, okay, we made the change in Omnibus?

CHAIRPERSON CARPENTER:

Yeah, exactly.

LEG. CARACAPPA:

It was never carried out.

LEG. BISHOP:

Well, how did they not carry it out; where did they find the money to not carry it out?

LEG. CARACAPPA:

We just didn't deal with it, as usual.

LEG. BISHOP:

Well, let me ask Counsel how that would work, I don't quite understand that. If we moved the budget lines from one department to the other, how did it not actually occur?

MR. SABATINO:

No, there's a misunderstanding. There was a great deal of debate at the time of that budget process. In the give and take of that process, the Executive Branch had expressed a different viewpoint with regard to the merit of making that transfer, so the transfer itself was not done as part of the budgetary process. Instead a clause was put in saying that the Executive Branch should meet with I think Budget Review to try to come up with some alternative, but that hasn't materialized. So this would do technically with line item transfers what was contemplated but not actually done in the budget amendment process last year, which is it would transfer all the money and the positions.

CHAIRPERSON CARPENTER:

Legislator Bishop?

LEG. BISHOP:

Well, have we had any discussion with the affected departments?

CHAIRPERSON CARPENTER:

Um --

LEG. BISHOP:

Were you planning on it, or is this it, let's just vote it?

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LEG. CARACAPPA:

It was supposed to happen over the last six months but it hasn't materialized.

LEG. LINDSAY:

Well, I guess if we passed the motion then we can have a discussion because it's done, right?

CHAIRPERSON CARPENTER:

Well, it's up to you guys on this.

LEG. BISHOP:

Here's --

CHAIRPERSON CARPENTER:

You know what, we're meeting in two weeks.

LEG. BISHOP:

I'll admit, I don't know a heck of a lot about this but I know from being here ten years this thing has bounced back and forth between the two departments.

CHAIRPERSON CARPENTER:

Right.

MR. SABATINO:

Obviously Public Works is opposed and certain people in the Police Department are in favor.

LEG. BISHOP:

Right.

MR. SABATINO:

It's a contentious issue at a level that's hard to quite understand, but it's a turf battle.

LEG. BISHOP:

I know it's a turf battle, you are right. But what's the most efficient and effective way to manage this unit? Has our Budget Review Office weighed in on this; is there any quantifiable evidence one way or the other?

MR. SABATINO:

I don't like to speak for other people but, I mean, during that debate --

LEG. BISHOP:

Roz?

MR. SABATINO:

-- Budget Review seemed to indicate that the way it was it was working.

MS. GAZES:

There really hasn't been any recent discussion on this. Just as Paul said, the only discussion really that Budget Review was involved in

that took place.

LEG. BISHOP:

Is it inappropriate, can only the sponsor ask for that analysis or can the Chair or myself?

CHAIRPERSON CARPENTER:

Well, we really probably should defer to the sponsor on this.

LEG. BISHOP:

I am not prepared to vote for it until I have more information, so I would make a motion to table.

CHAIRPERSON CARPENTER:

All right, I'll agree to tabling. We're meeting in two weeks again so we'll make sure that we have those discussions and that information for the next meeting. So we have a motion and a second to table. 1590 is tabled.

LEG. CARACAPPA:

Opposed

CHAIRPERSON CARPENTER:

Legislator Caracappa is opposed (Vote: 4-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Postal).

IR 1591-02 - Amending the 2002 Operating Budget and transferring funds for the ARC Adult Community Alternative Sentencing Program (Carpenter). I understand that this was tabled in the Budget Committee because of the offset that we had been told was a good offset and not problematic. Budget Review, can you speak to this, please, 1591?

MS. GAZES:

I'm not overly familiar with this as it's outside the department that I work with. But just looking at the resolution itself, it's taking money from Public Works out of one of their permanent salary accounts and transferring it to Probation for this program.

CHAIRPERSON CARPENTER:

Yeah, but the question is about the offset.

MR. SABATINO:

I would be --

CHAIRPERSON CARPENTER:

And I think what it is was that the offset that was given was used elsewhere, so we are going to have to come up with another offset. And what I'd like to do is move it out of this committee, since we are not prime anyway --

LEG. CARACAPPA:

Second.

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CHAIRPERSON CARPENTER:

-- so that as soon as we can, you know, take care of the problem with the offset, that this resolution can move as expeditiously as possible. And Ellie, thank you for your patience on that. Motion and a second to approve. All in favor? Opposed? Approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

1638-02 (P) - Establishing Anti-Gang Youth Bureau to educate school children (Fields). I know the sponsor is here. Thank you for being here, Legislator Fields. I know you heard my comments about this, I would like to table it one cycle until we make sure that this is not really duplicative. Again, we'll be meeting in two weeks and we can address it then. If you have any comments or questions?

LEG. FIELDS:
(Shook head no).

CHAIRPERSON CARPENTER:
Okay, I have a motion to table, second by Legislator Nowick. All those in favor? Opposed?

LEG. CARACAPPA:
Opposed to table.

CHAIRPERSON CARPENTER:
The resolution is tabled (Vote: 4-1-0-1 Opposed: Legislator Caracappa - Not Present: Legislator Postal).

IR 1642-02 (P) - Amending the 2002 Capital Program and Budget and appropriating funds for the purchase of Rigid Hull Police Rescue Vessel (3151.513) (Carpenter). I'll make that motion, second by: Legislator Nowick. All those in favor?

LEG. CARACAPPA:
On the motion.

CHAIRPERSON CARPENTER:
On the motion, Legislator Caracappa.

LEG. CARACAPPA:
What's the offset?

CHAIRPERSON CARPENTER:
Again, it's that -- I believe it is that same --

MR. SABATINO:
It's that \$5 million Infrastructure Account.

CHAIRPERSON CARPENTER:
Money that's been set aside for these kinds of things.

LEG. CARACAPPA:
And is this -- just in the same line of questioning of Legislator Bishop, are they ready to go with the purchase order on this?

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CHAIRPERSON CARPENTER:
Yes. In fact, after the last meeting they had all the information and we were able to get the resolution in under the deadline. So they are ready and we have been told they can have it in the water for this boating season.

LEG. BISHOP:
Now, this comes as a result of that tragic incident that happened a few weeks ago?

CHAIRPERSON CARPENTER:

Well, it helped move it along. This certainly was something that was contemplated because they had all of the information.

LEG. BISHOP:

So is the inference to be drawn that if they had the boat they could have -- that the outcome would have been different?

CHAIRPERSON CARPENTER:

No, I don't believe so.

LEG. BISHOP:

So what is -- why are we amending the Capital -- amending the Capital Budget as a general practice is not a good thing.

LEG. CARACAPPA:

No, especially now.

LEG. BISHOP:

So why are we doing this?

CHAIRPERSON CARPENTER:

Because we -- you know, this is equipment that is out there available, it may not have been there a couple of years ago. They had all of the research, all of the backup information on it. The unfortunate incident that happened a number of weeks ago really just brought the whole situation to the forefront, but if they have this kind of equipment available that can be deployed in a more timely fashion, can be put in the water faster, it can also be transported from the north shore to the south shore, it can be towed, it's practically impossible to tip this thing over and it is something that, you know, will help them protect the public in a better manner.

LEG. CARACAPPA:

I have a question.

CHAIRPERSON CARPENTER:

Legislator Caracappa.

LEG. CARACAPPA:

After you.

LEG. BISHOP:

Go ahead, I will yield.

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LEG. CARACAPPA:

I understand the reasoning for the new equipment, but the fact of the matter is with relation to that drowning and the Marine Bureau, it wasn't because of the boat, even though you said it wasn't, we're led to believe that this would help in that instance. It comes down to the way they staffed the Marine Bureau that day and every day. And a rigid hull boat, whether it be one on the south shore and one on the north shore, is going to mean a hill of beans unless it's staffed properly. And it has not been staffed properly, the Marine Bureau, and that is the reason why that boat did not get out to that man that day, even though they should not have been out on the waters that day, it was a very bad day to be out fishing, especially without a life preserver. I am not blaming the police for the man drowning, it was a bad situation just looking for it to become a worse situation. But

the fact remains we shouldn't go out and buy another boat just because of a staffing problem on that day.

CHAIRPERSON CARPENTER:

And I'm not suggesting that we're running out and buying a boat to --

LEG. CARACAPPA:

Well, that's what it looks like.

CHAIRPERSON CARPENTER:

Well, I'm sorry that it looks that way. And the timing is such that we are, you know, in the beginning of the boating season. We are in the boating season and if there is equipment out there that can better help our Marine Bureau protect the boating public, I think that we have an obligation to do it. Now, if you support that, support the resolution, if you don't, don't support it.

LEG. CARACAPPA:

My point, though, seeing that I was interrupted, my point is why buy the boats and say we're going to help the public when we can't even help them with the boats that we have now because we're mismanaging the staffing at the Marine Bureau. It's like killing something -- killing an ant with an elephant gun or something.

LEG. BISHOP:

I like that.

LEG. CARACAPPA:

It doesn't make sense, it throws money at a problem that isn't fixed by a boat or more equipment, it's fixed by just staffing management, in my view.

CHAIRPERSON CARPENTER:

And I think the Police Commissioner very clearly addressed the staffing --

LEG. BISHOP:

So let's see if it works.

CHAIRPERSON CARPENTER:

-- situation. And I also think that it wasn't just a matter of the staffing but the protocols that were in place for communicating and

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those -- the various entities have met, those discussions and protocols have been reviewed. But again, we have the opportunity to -- the money is there in the budget, we had the money set aside for these kinds of initiatives and I think that we should move forward with it.

Now, we have a motion and a second. If there are no further comments, I would just like to call the vote on this. All those in favor?

LEG. BISHOP:

Opposed.

LEG. CARACAPPA:

Abstained.

CHAIRPERSON CARPENTER:

Okay, the motion is approved (Vote: 3-1-1-1 Opposed: Legislator Bishop - Abstention: Legislator Caracappa - Not Present: Legislator Postal).

IR 1646-02 (P) - Establish a Police Boat Emergency Response Policy (Towle). Is there a motion?

LEG. CARACAPPA:
Motion.

LEG. BISHOP:
Can I get an explanation?

CHAIRPERSON CARPENTER:
Counsel, if you would.

MR. SABATINO:
This is Legislator Towle's legislation to direct the Police Department to establish a new personnel allocation policy which essentially would say that from April 1st through October 31st of every year beginning with this year personnel would have to be assigned so that every Suffolk County Police boat would be available 24 hours a day, seven days a week during that period of time.

LEG. CARACAPPA:
Great.

CHAIRPERSON CARPENTER:
Is there a motion?

LEG. CARACAPPA:
Motion.

LEG. BISHOP:
Have we heard from the Commissioner on this?

CHAIRPERSON CARPENTER:
Yeah, the Commissioner does not support this initiative. I think he made it very clear that he felt that it went --

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LEG. BISHOP:
Then why are we getting more boats if he can't staff the ones he already has?

LEG. LINDSAY:
His objection to it was that we would be mandating how he would --

MS. MAHONEY:
Could you use the microphone?

LEG. BISHOP:
You have to speak into the mike.

LEG. LINDSAY:
I think his objections to it would be we, the Legislature would be interfering with his staffing requirements.

CHAIRPERSON CARPENTER:
This mandates that every boat, 24 hours a day, seven days a week, be

manned.

LEG. BISHOP:

Now how many boats do we have? I think -- I will tell you what I believe the expectation of the public is; that if there's an emergency on the water there will be a response.

CHAIRPERSON CARPENTER:

And I think that is a fair expectation for them to have --

LEG. BISHOP:

Right.

CHAIRPERSON CARPENTER:

-- and something that we are certainly equipped to deliver --

LEG. BISHOP:

Apparently not.

CHAIRPERSON CARPENTER:

-- even without this resolution.

LEG. CARACAPPA:

It's not -- can I just --

CHAIRPERSON CARPENTER:

Legislator Caracappa, yes.

LEG. CARACAPPA:

Thank you. I need to add that it's not -- I don't think it's the personnel's fault of course, again, it goes back to management and the way that we staff certain patrols. And in this instance, we have had a problem with the Marine Bureau and the way it is staffed and that starts from the top, and I think this resolution really deals with the problem more so than adding boats. We should pass this resolution. And I know it's slightly micromanaging, but I think this would actually help the Police Department personnel save lives and that's

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what they're trained and love to do and we should be -- I really feel this is the heart of solving the problem as oppose to going out and buying the hull, hard shaped or whatever they are type boats.

CHAIRPERSON CARPENTER:

And I think that -- if I could just respond to that, I think that absent a financial impact and an appropriating resolution to give them the dollars that they need and the resources that they need to man every boat 24 hours a day seven days a week, that we're a little disingenuous passing a resolution like this.

LEG. BISHOP:

If I may. I think the interference of --

CHAIRPERSON CARPENTER:

I'm sure that if, you know, we were willing to make the funds available to police or patrol or man the boats seven days a week, 24 hours a day, 12 months a year, they would be all too willing to do that if we gave them the resources.

LEG. CARACAPPA:

I have a question.

CHAIRPERSON CARPENTER:

But the fact of the matter remains that we don't have unlimited resources, we don't have unlimited personnel. And two years ago, even though I would have preferred that the Marine Bureau had more staffing during the off-season or the non boating season, a determination was made that it would have a winter staffing level and this happened, you know, before Memorial Day, before it traditionally was staffed with full manpower.

So again, we heard the Commissioner say that they have addressed the issue, the staffing levels will be there, the protocol has been reviewed and the necessary communications, procedures have been put in place again. And I think that as the Commissioner said and as one of the members of this committee just said, this really is micromanaging and not something we should be doing.

LEG. BISHOP:

Madam Chair, if I may.

CHAIRPERSON CARPENTER:

Yes, Legislator Bishop.

LEG. BISHOP:

Prior to this incident a few weeks ago, I have never heard that the Marine Bureau was short of manpower or wanting for equipment. So my belief is that as Legislator Caracappa has been saying, it's a management issue and I think that one of the responsibilities of this committee is aggressive oversight. And I continue to have this feeling every meeting that we're just far too docile, we don't ask any questions, we just accept any explanation that's thrown up. And as a result, I'm not confident that we're ensuring that future problems won't occur. I don't believe that this measure since, as I said, I never heard that there was a shortage of manpower, is necessarily the

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solution. I think this, like the other one with the equipment, is just throwing money at a problem that is probably not a money issue, it's probably a management issue. So I don't support this.

LEG. LINDSAY:

Can I say something?

CHAIRPERSON CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

The only thing that -- you know, the Commissioner was here; if we're so docile, why didn't we ask something when he was here?

CHAIRPERSON CARPENTER:

Thank you very much, LEG. LINDSAY.

LEG. LINDSAY:

Why did we wait for him to leave and then ask these questions?

LEG. CARACAPPA:

Why did he leave?

LEG. LINDSAY:

I don't know, I don't know why he left. But he sat there --

CHAIRPERSON CARPENTER:

Excuse me, but before he left the table --

LEG. CARACAPPA:

Why is he leaving?

CHAIRPERSON CARPENTER:

Before he left the table I said, "Does anyone have any further questions or comments." So if you choose to be docile and if you choose not to answer questions, that's --

LEG. BISHOP:

I think you will see over the last few meetings I have been asking a lot of questions, nobody else has.

LEG. LINDSAY:

What I would like to do, I still have the floor.

CHAIRPERSON CARPENTER:

Legislator Lindsay has the floor.

LEG. LINDSAY:

I would like to make a motion that we table this to the next session and then we can ask all the questions we want of the Commissioner.

CHAIRPERSON CARPENTER:

Thank you very much. I have a motion and a second to table.

LEG. CARACAPPA:

I have another question.

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CHAIRPERSON CARPENTER:

Okay. Legislator Caracappa, is this on this specific resolution?

LEG. CARACAPPA:

Yes.

CHAIRPERSON CARPENTER:

Go ahead.

LEG. CARACAPPA:

It's related to it. With relation to the boats and our helicopters, our helicopters are staffed 24/7, correct?

CHAIRPERSON CARPENTER:

Yes.

LEG. CARACAPPA:

Depending on weather, weather conditions, they're up and going 24/7, correct?

DEPUTY COMMISSIONER MAGGIO:

(Shaking head yes).

LEG. CARACAPPA:

They're always -- it's a policy decision by management to always have two people, aside from EMS personnel, in that chopper or vessel; is that correct?

CHAIRPERSON CARPENTER:

Chief Robilotto, I think you should come forward, because it's obvious that some questions have surfaced. And we do appreciate your staying for the meeting to answer any questions.

LEG. CARACAPPA:

I just want some consistency, whether it's air or water, do we have two pilots in every chopper and is it a 24/7 operation? And if so, why not -- why isn't a good thing for the Marine Bureau? We're on an Island, let's not forget.

CHIEF ROBILOTTO:

Good morning, Ladies and Gentlemen. First point, we don't staff -- we generally staff the choppers with two pilots for obvious reasons in case one gets hurt. We will fly the smaller ones with one pilot, the bigger ones are considerably more complex and we try to keep one pilot in them, one pilot in command and one pilot in training, it helps us meet flight time requirements, etcetera.

On the question of the boat policy, we have four very large boats, four 34-foot vessels, they're called Thomas boats, they're twin engine diesel boats. They're rather safe, they were designed for us by a local contractor in Patchogue. We just repowered or we're in the process of repowering them, those boats are made out of metal, they're aluminum boats. Those boats, in normal weather conditions, we staff with two people, obviously you need one person at the helm constantly. When the weather is bad, as on the day in question -- and for the record, the individual did not drown, he died of a heart attack, the

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water was only 54 degrees when he went into it. On a day like that you need three people on that vessel, if the person who's assisting the victim falls over board there's no one to help the police officer, so we would not staff that boat or send it out. On the day in question the comment was made why would we made to man it with a 34 foot boat, the answer to that is it was the biggest one we had, it was the safest one. The seas were tremendous, the window was howling, it was a safety issue, simply put.

As far as this is concerned, consider the bill is all-encompassing, it says every single police boat. We have approximately 24 boats, including one that's an ice boat, we would be required by this bill to man that. We have challenger vessels that we use strictly on the ensure canals to go after the ski boats and go after the jet skis, we'd have to man that on a 7 by 24 basis. Based on our contractual obligations, any seven day a week post, 7 by 24 post requires approximately seven police officers to staff it; we would virtually have to strip the precincts to do this bill.

LEG. CARACAPPA:

All right.

CHAIRPERSON CARPENTER:

Do you have any other questions, Legislator Bishop?

LEG. BISHOP:

No. Second to table.

CHAIRPERSON CARPENTER:

Okay, we have a motion and a second to table. All those in favor? Opposed? The resolution is tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1647-02 (P) - Authorize and empower County Executive to negotiate Volunteer Personnel Release Day Police (Towle).

LEG. CARACAPPA:
Motion to table.

CHAIRPERSON CARPENTER:

Motion by Legislator Caracappa to table, I will second that. All those in favor? Opposed? The resolution is tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1648-02 (P) - To establish Common Sense Police Emergency Response Act of 2002 (Towle). Motion to table, second by Legislator Lindsay. All those in favor? Opposed? The resolution is tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1649-02 (P) - Establishing Release Day Policy for Volunteer Firemen and Ambulance Company Workers within the County of Suffolk (Towle). I will make that motion to table, second by Legislator Nowick. All those in favor? Opposed? The resolution is tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

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1671-02 (P) - Amending the 2002 Operating Budget in connection with the addition of six security guards for County buildings (County Executive).

LEG. BISHOP:
This is so we can take the police out of the Dennison Building?

CHAIRPERSON CARPENTER:
Is there someone from -- I don't have the backup on this.

MR. SABATINO:
This would create 13 Security Guard, Grade 13 positions

CHAIRPERSON CARPENTER:
Thirteen or six? Six.

MR. SABATINO:
Grade 13, six, you're right, for the Dennison Building and the Riverhead County Center. I think this is to fulfill the security response at the two facilities instead of the police officers that are currently assigned there.

LEG. BISHOP:
Right, this is a good bill.

CHAIRPERSON CARPENTER:
Are there any other questions? Then I'll make a motion, second by Legislator Bishop to approve. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

The next four, five, six resolutions have to do with appointments for the Human Rights commission, they are reappointments. We had received a call, did we want them to come down, I had said yes because we have had a change in the leadership at the Human Rights Commission so I thought this might be an appropriate time to have some dialogue with the Commissioners. However, unless I'm missing something, I don't see any of them, so I'm going to suggest that we table all of these.

LEG. CARACAPPA:
Second.

CHAIRPERSON CARPENTER:
That's 1682, 83 --

LEG. LINDSAY:
Could I ask --

CHAIRPERSON CARPENTER:
Sure.

LEG. LINDSAY:
Since they're all reappointments, do you think we -- I mean, that we have to see them?

CHAIRPERSON CARPENTER:
Well, normally I would have said no, but since the question was asked

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and I said yes and the fact that the director has left and I'm not even sure if they have appointed a new director or not, that I thought it might be a good time for us to have some dialogue with them and they're not here.

LEG. LINDSAY:
Okay.

CHAIRPERSON CARPENTER:
All right? And I was led to believe that they would be here.

LEG. LINDSAY:
Okay.

CHAIRPERSON CARPENTER:
That's 1682, 83, 84, 85, 86 and 87, motion and a second to table. All those in favor? Opposed? They are tabled.

1682-02 (P) - Approving the reappointment of Carolyn G. Peabody as a member of the Suffolk County Human Rights Commission (County Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1683-02 (P) - Approving the reappointment of Mary C. Abad as a member of the Suffolk County Human Rights Commission (County Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1684-02 (P) - Approving the reappointment of Michele DelMonte as a member of the Suffolk County Human Rights Commission (County Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1685-02 (P) - Approving the reappointment of Alice P. Lambert as a member of the Suffolk County Human Rights Commission (County

Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1686-02 (P) - Approving the reappointment of Rabbi Steven A. Moss as a member of the Suffolk County Human Rights Commission (County Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1687-02 (P) - Approving the reappointment of Lynda Perdomo-Ayala as a member of the Suffolk County Human Rights Commission (County Executive). Tabled (Vote: 5-0-0-1 Not Present: Legislator Postal).

1690-02 (P) - Authorizing the creation of new positions in the District Attorney's Office (Tonna). I'll make that motion, second by Legislator Lindsay. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

SENSE RESOLUTIONS

Sense 38-2002 - Memorializing Sense Resolution requesting the State of New York to remit cell telephone surcharges to counties providing emergency 911 phone services (Postal).

LEG. BISHOP:

Didn't the State do this in the budget?

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CHAIRPERSON CARPENTER:

I don't know but it certainly can't hurt to tell them. Motion by Legislator Bishop, second by Legislator Nowick. All those in favor? Opposed? The resolution is approved (Vote: 5-0-0-1 Not Present: Legislator Postal).

The meeting is adjourned. I thank you very much.

(*The meeting was adjourned at 10:58 A.M.*)

Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee

{ } - Denotes Spelled Phonetically

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